IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

WP(C).No. 29966 of 2007(P)

AGAINST THE ORDER IN EP 38 2004 IN OS.327/1990 of PRINCIPAL SUB COURT,KOCHI

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PETITIONERS:
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1. OMANA K.M., W/O.AMBUJAKSHAN, C.C.XXVI/1898 B, THEVARA COLONY, THEVARA DESOM, ELAMKULAM VILLAGE, KOCHI TALUK.

2. GEETHA, W/O.ANILKUMAR, C.C.23/127/4 B, PALLURUTHY VADAKKUMURI, P.GANGADHARAN ROAD, RAMESWARAM VILLAGE, KOCHI.

3. A.K.ANIL, S/O.KRISHNAN, ACHUPARAMBIL, C.C.23/1291 B, PALLURUTHY VADAKKUMURI, P.GANGADHARAN ROAD, RAMESWARAM VILLAGE, KOCHI.

BY ADV. SRI.JOSE JOSEPH ARAYAKUNNEL
SRI.VARGHESE PARAMBIL

RESPONDENT:

P.R.LEELA, D/O RAVUNNY & W/O.PADAMANBHAN, PUTHULATH VEEDU, MALIPURAM P.O., KOCHI TALUK.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.29966 of 2007

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Dated this the 9th day of October, 2007.

JUDGMENT

This Writ Petition is filed with a prayer to quash Ext.P2 order passed by the Subordinate Judge, Kochi on 3.10.2007. Since materials are not available, I rely on the facts submitted by the learned counsel for the writ petitioners for the disposal of the matter.

2. It is submitted that three claim applications, E.A.Nos.386 of 2004, 389 of 2004 and 392 of 2004 had been filed in E.P.No. 38 of 2004 and I am informed that those claim applications have been dismissed for default and the claimants have moved in time for getting restoration of those applications and if the delivery is effected without disposal of those applications, it will cause hardship to the claimants and therefore pray for an order from this Court.

3. It is desirable that if claim applications are filed a finality of those applications is passed on merits and there is no point in

delivering the property after the dismissal of those applications for default.

4. Therefore, I direct the court below to defer the delivery for a period of one month from today and consider and dispose of the restoration applications that are filed for restoring the three claim applications.

Writ Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

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